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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
08 AT SEATTLE

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12 UNITED STATES OF AMERICA,) CASE NO. CR05-238-JLR
13)
14 Plaintiff,)
15)
16 v.) SUMMARY REPORT OF U.S.
17)
18 DAVID GLENN HARRISON,) MAGISTRATE JUDGE AS TO
19) ALLEGED VIOLATIONS
20) OF SUPERVISED RELEASE
21 Defendant.)
22)
23

24 An initial hearing on supervised release revocation in this case was scheduled before me
25 on January 5, 2009. The United States was represented by AUSA Bruce Miyaki and the
26 defendant by Peter Avenia. The proceedings were digitally recorded.

27 Defendant had been sentenced on or about December 5, 2007 by the Honorable James L.
28 Robart on a charge of Felon in Possession of a Firearm, and sentenced to 10 months custody, 3
29 years supervised release. (Dkt. 24.)

30 The conditions of supervised release included the standard conditions plus the requirements
31 that defendant be required to cooperate in the collection of DNA, prohibited from possessing a
32 firearm, submit to mandatory drug testing, participate in a substance abuse program, submit to

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34 SUMMARY REPORT OF U.S. MAGISTRATE JUDGE AS
35 TO ALLEGED VIOLATIONS OF SUPERVISED RELEASE
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01 search, and provide his probation officer with access to financial information.

02 On December 14, 2007, defendant admitted violating the conditions of supervised release
03 by using methamphetamine, failing to submit monthly reports, failing to participate in drug
04 treatment and failing to pay the Special Assessment. (Dkt. 34.) He was sentenced to time served
05 and placed in a residential reentry center. Supervised release was re-imposed for 12 months,
06 including the requirement that the defendant reside in the halfway house program for up to 120
07 days.

08 In an application dated November 20, 2008 (Dkt. 40), U.S. Probation Officer Matthew D.
09 McDaniel alleged the following violations of the conditions of supervised release:

10 1. Using methamphetamine on or before November 13, 2008, in violation of standard
11 condition of supervised release number seven.

12 2. Failing to notify the probation office at least 10 days prior to any change in
13 employment, in violation of standard condition of supervised release number six.

14 On December 29, 2008, defendant's probation officer reported an additional violation of
15 the conditions of supervised release, which was incorporated into the pending proceedings:

16 3. Using methamphetamine on or before December 2, 2008, in violation of standard
17 condition of supervised release number seven.

18 Defendant was advised in full as to those charges and as to his constitutional rights.

19 Defendant admitted the alleged violations and waived any evidentiary hearing as to
20 whether they occurred. (Dkt. 43.)

21 I therefore recommend the Court find defendant violated his supervised release as alleged,
22 and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be

01 set before Judge Robart.

02 Pending a final determination by the Court, defendant has been released to enter an
03 inpatient drug treatment program.

04 DATED this 5th day of January, 2009.

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06 Mary Alice Theiler
07 United States Magistrate Judge

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09 cc: District Judge: Honorable James L. Robart
AUSA: Bruce Miyake
Defendant's attorney: Peter Avenia
Probation officer: Matthew D. McDaniel
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